

RemarksProvisional Double Patenting Rejection

Claims 1-2 and 4-12 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7 of co-pending Application No. 10/436,616.

Applicants respectfully traverse this ground of rejection; however, Applicants herein submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c) and therefore request withdrawal of this ground of rejection.

Provisional Claim Rejection under 35 U.S.C. § 103(a)

Claims 1-2 and 4-12 stand provisionally rejected under 35 U.S.C. § 103(a) as being obvious over Co-pending Application No. 10/436,616. Applicants traverse this ground of rejection; however, in accordance with 37 CFR 1.131 Applicants submit the subject matter of co-pending Application No. 10/436,616 and the claimed invention were, at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Attached hereto, please find the Declaration of Inventor, Adam Gronowski under 37 CFR 1.131.

Applicants submit co-pending Application No. 10/436,616 and the claimed invention were, at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person as illustrated by copies of the Assignment filed in the claimed invention and in the Assignment filed in co-pending Application No. 10/436,616, both of which assign the inventions to Bayer Inc.

Applicants therefore request withdrawal of this ground of rejection.

Respectfully submitted,

By

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